

REMARKS/ARGUMENTS

With the entry of the current amendment:

Claims 1, 4, and 17-25 are pending.

Claims 1 and 20-25 are amended with entry of this amendment.

Oath/Declaration

A new declaration is supplied as requested.

Rejections under 35 USC 112 second paragraph

Claim 1 has been amended to fix the typographical error as pointed out by the examiner by deleting the word "in" in the first line.

Claims 20-25 have been amended to clarify the relationship between the QTLs and genes. The QTLs are "associated with one or more genes" that contribute to a particular trait but do not "encode one or more genes" as previously stated.

Rejections under 35 USC 112 first paragraph

The examiner (paragraph 7) states that the specification does not enable the invention as claimed, i.e.: "A method for identifying previously unidentified diet-regulated disease-associated polynucleotides...". The examiner objects because the method requires matching of the polynucleotides with QTLs known to be associated with (as amended) a particular disease. The examiner suggests that the method therefore simply confirms already known genes. The applicant respectfully asserts that this is not the case. The whole point of the invention is to newly identify genes that are both diet regulated and disease-associated. The fact that the QTL is known to be associated with a disease does not mean that the gene associated with the disease is known, or that the disease-associated gene is known to be diet-associated.

The Examiner (paragraph 8) states that the specification does not teach a use of the claimed invention. The identification of diet regulated disease associated genes is of huge commercial

utility, for instance as potential drug targets. The commercial importance of drug target identification is very well known and documented and has been the subject of so much work, research and licensing. The applicant respectfully asserts that such utility is evident and believes that it is not necessary to further expand on this point, but would be happy to do so if the examiner wishes it.

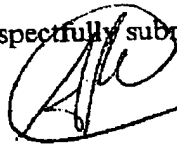
Enablement for such a method for identifying such diet regulated disease associated genes is presented throughout the application and in Claim 1.

In view of the above reasoning, it is hoped that the claims are now in a condition for allowance.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-752-4085.

Since this prosecution has been lengthy, the examiner is requested to provide the applicant, who is a sole inventor, with any help or guidance he can.

Respectfully submitted,



21 August 2008

Adam W. Bell, Reg. No. 43,490
BELL & ASSOCIATES
58 West Portal Avenue # 121
San Francisco, California 94127 USA
Tel: (415) 752-4085
Fax: (415) 276-6040
info@bell-iplaw.com